

THE CITY OF SAN DIEGO, CALIFORNIA
MINUTES FOR REGULAR COUNCIL MEETING
OF
TUESDAY, MAY 14, 1991
AT 9:00 A.M.
IN THE COUNCIL CHAMBERS - 12TH FLOOR

CHRONOLOGY OF THE MEETING:

The meeting was called to order by Mayor O'Connor at 9:58 a.m. Mayor O'Connor recessed the meeting at 9:59 a.m. to meet in Closed Session in the 12th floor Conference Room to discuss Meet and Confer issues and personnel matters. Mayor O'Connor reconvened the meeting at 11:36 a.m. with Council Member Filner not present. The meeting was recessed by Mayor O'Connor at 12:02 p.m. to reconvene at 2:00 p.m.

The meeting was reconvened by Mayor O'Connor at 2:10 p.m. with Council Member Filner not present. Mayor O'Connor adjourned the meeting at 3:26 p.m. to convene the Redevelopment Agency and thereafter to meet in closed session in the 12th floor Conference Room to discuss pending litigation.

ATTENDANCE DURING THE MEETING:

- (M) Mayor O'Connor-present
 - (1) Council Member Wolfsheimer-present
 - (2) Council Member Roberts-present
 - (3) Council Member Hartley-present
 - (4) Council Member Pratt-present
 - (5) Council Member Behr-present
 - (6) Council Member Henderson-present
 - (7) Council Member McCarty-present
 - (8) Council Member Filner-excused by R-278157
(personal business)
- Clerk-Abdelnour (rb/ll)

FILE LOCATION: MINUTES

ITEM-300: ROLL CALL

Clerk Abdelnour called the roll:

- (M) Mayor O'Connor-present
- (1) Council Member Wolfsheimer-present
- (2) Council Member Roberts-present
- (3) Council Member Hartley-present
- (4) Council Member Pratt-present
- (5) Council Member Behr-present
- (6) Council Member Henderson-present
- (7) Council Member McCarty-present
- (8) Council Member Filner-not present

ITEM-118: (R-91-1847) ADOPTED AS RESOLUTION R-277914

Authorizing the execution of an agreement with Hawkins, Delafield and Wood, for the provision of special contract counsel services for the materials recovery facility;

authorizing the expenditure of an amount not to exceed \$125,000 from the Waste Management Enterprise Fund - CIP-37-254.0, New Landfill Site - Phase 1, for the above purpose; authorizing the City Auditor and Comptroller, upon advice from the administering department, to transfer excess budgeted funds, if any, to the appropriate reserves.

CITY MANAGER SUPPORTING INFORMATION: To facilitate compliance with AB 939's mandate for diversion of materials from landfills, the City is pursuing the development of a Materials Recovery Facility (MRF). On February 1, 1991, the City received two proposals from vendors for MRF. The proposed facility will process 300,000 tons per year of mixed solid waste by extracting recyclables and generating compost. Contracts for the construction and operation of MRF's are complex and require specialized expertise due to the financial and tax aspects of their operation and the corresponding rates of return, and due to possible revenues to the City. Based upon consultation with the City Attorney, the City Manager recommends that special contract counsel services be obtained to assist in the drafting and negotiation of the final service agreement in order to obtain terms favorable to the City. The following selection process proceeded pursuant to Council Policy 300-7 and A.R. 25.70. Requests for proposals were issued to 9 firms with special expertise related to solid waste issues. The City received 6 responses. The City Attorney and Waste Management Department

reviewed the responses and determined that the law firm of Hawkins, Delafield, and Wood (HDW) was the best qualified to provide said services. HDW has unique experience in providing contract generation and negotiation services to many agencies on a variety of solid waste issues including the specific area of MRF contracts.

Aud. Cert. 9100783.

FILE LOCATION: MEET CCONT FY 91-1

COUNCIL ACTION: (Tape location: C261-333.)

MOTION BY PRATT TO ADOPT. STAFF WAS DIRECTED TO BE CERTAIN THAT THE CURRENT WORK FORCE REPORT AND THE EOP PLAN ARE SUBMITTED AND THAT COUNCIL HAVE THE OPPORTUNITY TO REVIEW THESE PLANS. Second by McCarty. Passed by the following vote: Wolfsheimer-yea, Roberts-not present, Hartley-yea, Pratt-yea, Behr-not present, Henderson-yea, McCarty-yea, Filner-not present, Mayor O'Connor-yea.

ITEM-330: CONTINUED TO JUNE 11, 1991 AT 10:00 A.M.

Two actions relative to Fairmount Avenue (Ridge View Drive to Home Avenue) Underground Utility District: (Mid-City Community Area. District-3.)

Subitem-A: (R-91-1675)

Establishing the Fairmount Avenue (Ridge View Drive to Home Avenue) Underground Utility District.

Subitem-B: (R-91-1676)

Authorizing the expenditure of an amount not to exceed \$29,000 from CIP-37-028, Gas Tax Fund 32191, for the purpose of administering the Underground Utility District, minor City Force work and other related work.

CITY MANAGER SUPPORTING INFORMATION: The proposed district will underground the overhead utility facilities on Fairmount Avenue between Ridge View Drive and Home Avenue. This is a scheduled project in the Calendar Year 1992 Capital Improvements Program. The formation of this district will require the affected property owners to underground the portion of their utilities on their parcel prior to removal of the overhead utilities. Council Policy 800-2 provides for the use of San Diego Gas and Electric Company's Annual Allocation Funds (Case-8209) to make reimbursement payments to affected property owners based on the

length of their electrical service trench.

A future resolution will establish the date for removal of overhead utilities as the undergrounding work approaches completion.

Aud. Cert. 9100742.

FILE LOCATION: STRT K-197

COUNCIL ACTION: (Tape location: A334-339; B019-139.)

Hearing began 12:01 p.m. and halted 12:02 p.m.

MOTION BY HENDERSON TO ADOPT. Second by Roberts. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Pratt-yea, Behr-yea, Henderson-yea, McCarty-yea, Filner-not present, Mayor O'Connor-yea.

MOTION BY HENDERSON TO RECONSIDER COUNCIL'S ACTION FROM THE MORNING SESSION. Second by McCarty. Passed by the following vote: Wolfsheimer-yea, Roberts-not present, Hartley-yea, Pratt-yea, Behr-yea, Henderson-yea, McCarty-yea, Filner-not present, Mayor O'Connor-yea.

Hearing began 2:11 p.m. and halted 2:22 p.m.

Testimony in opposition by Bob Schnautz.

MOTION BY HARTLEY TO CONTINUE TO JUNE 11, 1991 AT 10:00 A.M. IN ORDER TO TAKE THIS BEFORE THE NEW CITY HEIGHTS PLANNING GROUP AND ALLOW THEM TO VOICE THEIR COMMENTS. Second by Henderson. Passed by the following vote: Wolfsheimer-yea, Roberts-not present, Hartley-yea, Pratt-yea, Behr-yea, Henderson-yea, McCarty-yea, Filner-not present, Mayor O'Connor-yea.

ITEM-331: CONTINUED TO MAY 21, 1991

An Informational Report regarding Resource Protection Ordinance Sand and Gravel Issues.

FILE LOCATION: --

COUNCIL ACTION: (Tape location: C336-376.)

MOTION BY HENDERSON TO CONTINUE TO MAY 21, 1991 IN ORDER FOR COUNCIL MEMBER FILNER TO BE PRESENT. Second by Wolfsheimer.

Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Pratt-yea, Behr-not present, Henderson-yea, McCarty-yea, Filner-not present, Mayor O'Connor-yea.

ITEM-332: (O-91-161) INTRODUCED AND ADOPTED AS ORDINANCE
O-17643 (New Series)

Introduction and adoption of an Ordinance No. O-17468 (New Series), as amended, entitled "An Ordinance Establishing a Schedule of Compensation for Officers and Employees of the City of San Diego for the Fiscal Year 1990-91" to create the new position of Deputy Director for Support Services, Clean Water Program (70731); exempting the position from the Classified Service; amending Exhibit "C" to said Ordinance to include the position in Managerial Category C; and establishing a salary rate.

CITY MANAGER SUPPORTING INFORMATION: This Ordinance will create the position of Clean Water Program Deputy Director for Support Services and will exempt this position from the Classified Service. This action will facilitate implementation of the Clean Water Program. This proposed position will direct the operations of the Support Services Division of the Clean Water Program. As such, this position will formulate and administer Department policies related to the financing of the Clean Water Program including rate structures, grant administration, cost accounting and the issuance of Municipal Bonds. The position was approved by the Civil Service Commission on April 4, 1991.

WU-CWP-91-179.

NOTE: See Item 201 on the docket of Monday, May 13, 1991 for the first public hearing. Today's action is the second public hearing for the introduction and adoption of the Ordinance.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: C-385-387.)

MOTION BY PRATT TO INTRODUCE, DISPENSE WITH THE READING AND ADOPT. Second by McCarty. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Pratt-yea, Behr-yea, Henderson-nay, McCarty-yea, Filner-not present, Mayor O'Connor-yea.

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ITEM-S401: (R-91-1906) ADOPTED AS RESOLUTION R-277916

Adopting Memoranda of Understanding with the Police
Officers Association (POA) and Local 145
(Firefighters).

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A124-179.)

MOTION BY ROBERTS TO ADOPT ITEMS S401 AND S502. Second by
Behr. Passed by the following vote: Wolfsheimer-yea,
Roberts-yea, Hartley-yea, Pratt-yea, Behr-yea,
Henderson-yea, McCarty-yea, Filner-not present, Mayor
O'Connor-yea.

ITEM-S500: (R-91-2163) GRANTED MAP, ADOPTED AS RESOLUTION
R-277915

(Continued from the meeting of May 7, 1991, Item 331,
at Councilmember Hartley's request, to allow
Councilmember Henderson to be present.)

Appeal of Randy Bixler from the decision of the
Planning Commission in approving Tentative Map
TM-89-0966 (Jordan's Parcel Map) which would subdivide
a 0.985 acre site into four parcels for single-family
development (three units exist on the property). The
subject property is located at the southwest corner of
Loring Street and Collingwood Drive and is described as
Lot 28 of Soledad Terrace, Map-1618; a portion of Tuna
Lane, Vacated and Closed to public use; Lots 153 and
154, Congress Heights Addition, Map-1627. The R1-5000
Zoned site is within the Pacific Beach Community Plan
area.
(TM-89-0966. District-6.)

Adoption of a Resolution granting or denying the map,
with appropriate findings to support Council action.

NOTE: On 10/16/90, Council voted 7-2 to grant the appeal and deny
the parcel map. On March 5, 1991, the City Council, in closed
session, directed the matter of the Jordan parcel map be returned
to the City Council for further consideration at a noticed public
hearing.

FILE LOCATION: SUBD - Jordan's Parcel Map

COUNCIL ACTION: (Tape location: A180-334; B141-C247.)

Hearing began 11:50 a.m. and recessed 12:01 p.m.

Testimony by Clara Evans, Matt Peterson, Rich Ferrentino, Walt Sweeny, and Gene Unger.

Hearing reconvened 2:22 p.m. and halted 3:11 p.m.

Testimony in favor by Randy Bixler, Clara Evans, Jean Napier, William Schneider.

Testimony in opposition by Matt Peterson, Christine Jordon, Mike Ryan, Debra Keller.

MOTION BY HENDERSON TO GRANT THE MAP AND UPHOLD THE ACTION OF THE PLANNING COMMISSION BASED ON THE FINDINGS MADE BY THE PLANNING COMMISSION; THE HEIGHT LIMITATION IS NOT TO EXCEED THE FIGURES QUOTED BY MATT PETERSON OR THE HEIGHT LIMITATION IMPOSED BY THE ZONING REQUIREMENTS APPLICABLE TO THE PROPERTY, WHICHEVER IS LESS. THIS MOTION ALSO INCLUDES THE DISMISSAL OF THE LAWSUIT WITH PREJUDICE. Second by McCarty. Passed by the following vote: Wolfsheimer-yea, Roberts-not present, Hartley-yea, Pratt-yea, Behr-yea, Henderson-yea, McCarty-yea, Filner-not present, Mayor O'Connor-yea.

ITEM-S501: (O-91-168) INTRODUCED, TO BE ADOPTED MAY 28, 1991

Introduction of an Ordinance establishing a Schedule of Compensation for Officers and Employees of the City of San Diego for the Fiscal Year 1991-92.

FILE LOCATION: --

COUNCIL ACTION: (Tape location: C423-431.)

MOTION BY McCARTY TO INTRODUCE. Second by Behr. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Pratt-yea, Behr-yea, Henderson-yea, McCarty-yea, Filner-not present, Mayor O'Connor-yea.

ITEM-S502: (R-91-1905) ADOPTED AS RESOLUTION R-277917

Endorsing and approving the two-year Memoranda of Understanding, for Fiscal Years 1992 and 1993, agreed

to by the Management Team and representatives of the Municipal Employees Association (MEA), and Local 127 (AFSCME), pursuant to the provisions of the Memoranda of Understanding.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A124-179.)

MOTION BY ROBERTS TO ADOPT ITEMS S401 AND S502. Second by Behr. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Pratt-yea, Behr-yea, Henderson-yea, McCarty-yea, Filner-not present, Mayor O'Connor-yea.

ITEM-S503:

Three actions relative to employee classifications, representation units and benefits:

Subitem-A: (R-91-1916) ADOPTED AS RESOLUTION R-277919

Approving the classifications of personnel in the Classified Service of the City of San Diego eligible for premium or regular rate overtime.

Subitem-B: (R-91-1917) ADOPTED AS RESOLUTION R-277920

Amending the employee representation units.

Subitem-C: (R-91-1918) ADOPTED AS RESOLUTION R-277921

Adopting a Management Benefits Plan and classes eligible therefor and Flexible Benefits Plan for Fiscal Year 1992.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: C423-431.)

MOTION BY McCARTY TO ADOPT. Second by Behr. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Pratt-yea, Behr-yea, Henderson-yea, McCarty-yea, Filner-not present, Mayor O'Connor-yea.

ITEM-S504: (R-91-1928) ADOPTED AS RESOLUTION R-277922

Authorizing the submittal of an application to the State Department of Housing and Community Development for a \$360,000 Farmworker Housing Grant to replace 14 and rehabilitate 2 houses on City-owned land in San Pasqual Valley.

(See Housing Commission Report HCR-91-006CC. San Pasqual Valley Community Area. District-1.)

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: C390-392)

MOTION BY WOLFSHEIMER TO ADOPT. Second by Pratt. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Pratt-yea, Behr-yea, Henderson-yea, McCarty-yea, Filner-not present, Mayor O'Connor-yea.

ITEM-S505: (R-91-1932) ADOPTED AS AMENDED AS RESOLUTION
R-277923

Authorizing the Chief of Police to expend up to \$910,000 of already appropriated and received Federally Seized and Forfeited Assets revenues for law enforcement purposes only, including, but not limited to, increased Air Support Unit activity, high technology laboratory equipment, helicopter maintenance supplies and specialized police equipment.

(See 1472A for supporting information.)

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: C398-415.)

MOTION BY HENDERSON TO ADOPT AS AMENDED AND APPROVE ITEMS 3,4, AND 5 ONLY OF THE MANAGER'S REPORT AT THE REQUEST OF THE CITY MANAGER. ITEMS 1 AND 2 NEED FURTHER EXPLANATION AND COUNCIL WILL BE GIVEN INFORMATION WHEN CLARIFIED.

Second by McCarty. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Pratt-yea, Behr-yea, Henderson-yea, McCarty-yea, Filner-not present, Mayor O'Connor-yea.

NON-DOCKET ITEMS:

None.

COUNCIL COMMENT:

ITEM-CC-1:

Comments by Mayor O'Connor concerning Council request for Josiah Neeper, Esq., Labor Relations Attorney to the City of San Diego, to investigate and find facts in the matter of the Bray Case. Motion by Roberts to approve. Second by Wolfsheimer. Passed unanimously with Filner not present.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: A034-106.)

PUBLIC COMMENT:

None.

ADJOURNMENT:

The meeting was adjourned by Mayor O'Connor at 3:26
p.m.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: C442).